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2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 NATHANIAL CHARLES HARRIEL, SR.,
5 Plaintiff,
6 v.
7 SANCHEZ,
8 Defendant.

Case No. 3:22-cv-00419-ART-CSD

ORDER

9 *Pro se* Plaintiff Nathaniel Charles Harriel, Sr., brought this action under
10 42 U.S.C. § 1983 complaining of unlawful arrest and unlawful search by Officer
11 Sanchez of the Reno Police Department. The Court dismissed the case without
12 prejudice in November 2023. Before the Court is Plaintiff's motion to amend
13 judgment (ECF No. 16) and his motion to reopen (ECF No. 18). For the following
14 reasons, the Court denies both motions.

15 **I. BACKGROUND**

16 Harriel filed the complaint in this case in September 2022. (ECF No. 1.) In
17 February 2023, Harriel updated his address from the Washoe County Detention
18 Center to a Reno residential address. (ECF No. 9.) In April 2023, the Court
19 allowed Harriel to proceed with a Fourth Amendment claim for unlawful arrest
20 and unlawful search against Defendant Sanchez but stayed the action pending
21 resolution of Harriel's underlying criminal case. (ECF No. 10.) The Court ordered
22 Harriel to file a notice advising the Court of the status of his underlying criminal
23 case within 30 days. (*Id.*) Harriel did not file an update. In July 2023, the Court
24 gave Harriel an additional 30 days to file a notice advising the court of the status
25 of his underlying criminal case. (ECF No. 11.) There is no indication on the
26 docket that Harriel did not receive these orders. In November 2023, with no
27 response from Harriel, the Court dismissed this case without prejudice. (ECF
28 Nos. 13, 14.)

1 More than a year later, in December 2024, Harriel filed a motion to alter
2 or amend judgment, explaining that he had difficulties getting mail because he
3 had not had a stable address. (ECF No. 16.) In July 2025, Harriel filed a motion
4 to reopen, again explaining his difficulties receiving updates on his case. (ECF
5 No. 18.) The Court construes both motions as requests for relief from judgment
6 under Rule 60(b) of the Federal Rules of Civil Procedure.

7 **II. DISCUSSION**

8 Rule 60(b) entitles the moving party to relief from judgment on several
9 grounds: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly
10 discovered evidence; (3) fraud; (4) the judgment is void; (5) the judgment has
11 been satisfied; or (6) any other reason justifying relief from the judgment. Fed.
12 R. Civ. P. 60(b). The Ninth Circuit has held that a party merits relief under Rule
13 60(b)(6) if he demonstrates “extraordinary circumstances which prevented or
14 rendered him unable to prosecute [his case].” *Cnty. Dental Servs. v. Tani*, 282
15 F.3d 1164, 1168 (9th Cir. 2002), *as amended on denial of reh’g and reh’g en banc*
16 (Apr. 24, 2002) (citation omitted). A motion made under Rule 60(b) must be made
17 within a reasonable time, and, if based on one of the first three reasons, “no more
18 than a year after the entry of the judgment or order or the date of the proceeding.”
19 Fed. R. Civ. P. 60(c)(1). “What constitutes ‘reasonable time’ depends upon the
20 facts of each case, taking into consideration the interest in finality, the reason
21 for delay, the practical ability of the litigant to learn earlier of the grounds relied
22 upon, and prejudice to the other parties.” *Lemoge v. United States*, 587 F.3d
23 1188, 1196 (9th Cir. 2009) (citation omitted).

24 In his second motion, Harriel explains that after he pled guilty to a charge
25 of possession of a controlled substance in November 2022, he spent 7 months
26 in Washoe County jail and 10.5 months at a halfway house, before becoming
27 unemployed and homeless. (ECF No. 18 at 3.) He claims that someone was
28 throwing away his mail and that he did not receive any updates from this case

1 in 2024. (*Id.*) However, there were no updates to this case in 2024; it was closed
2 in November 2023. (*Id.*) Harriel provides an update on his underlying criminal
3 complaint which suggests that he received and was aware of the Court's prior
4 orders. (*Id.*) Harriel also explains that he sent a letter to the court. That letter
5 was received, and the Court entered an order in July 2025 explaining that
6 documents requesting court orders must be styled as motions. (ECF No. 17.)

7 Because Harriel has not demonstrated extraordinary circumstances
8 demonstrating relief from judgment under Rule 60, and because his motion was
9 brought more than a year after entry of judgment in these proceedings, the Court
10 finds that relief from judgment is not warranted.

11 **III. CONCLUSION**

12 The Court therefore DENIES Plaintiff's motion to amend judgment (ECF
13 No. 16) and Plaintiff's motion to reopen (ECF No. 18), which the Court construes
14 as requests for relief from judgment.

15 This case remains closed.

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17 DATED: August 8, 2025

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ANNE R. TRAUM
21 UNITED STATES DISTRICT JUDGE
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